

## **REMARKS**

### **Claim Status**

Claims 40, 46 and 48 have been cancelled.

Claims 50 has been rewritten in an independent form including all of the limitations of the base claim 40.

Claims 51 and 54 have been amended to include the limitations of claims 48 and 46, respectively, as well as to correct dependencies as a result of cancellation of claims 46 and 48.

In addition, claims 41 and 49 have been amended to correct dependencies as a result of cancellation of claims 40 and 48.

Applicants respectfully submit that the above amendments do not introduce any new material into the application. With the present amendments, there are 11 claims pending, namely, claims 41-45 and 49-54.

### **Detailed Action**

Claims 40-46 and 48-49 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Specifically, the Examiner states that there is no support for the particular combinations of mutations recited in the claims, nor is there any support for mixing and matching the mutations in Table 2.

Applicants respectfully disagree with the Examiner's above notion for the reasons presented repeatedly in the previous responses. Also, Applicants wish to point out that the same Examiner previously allowed in the earlier application, Serial No. 09/427,770 (now U.S. Pat. No. 6,620,988, a copy of the cover page and claims is enclosed) claims that are similar to the pending claims in the instant application. For example, claim 5 issued in 6,620,988 virtually captures the same subject matter as does instant claim 46 with regard to the modified polypeptide.

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Notwithstanding, Applicants have hereby cancelled claims 40, 46 and 48, limitations of which have been incorporated into claims 50, 54 and 51, respectively. In doing so, Applicants wish to pursue the allowable subject matters as indicated by the Examiner.

It is further noted that the Examiner provides no specific rejection to claims 44 (an independent claim) and 45 (dependent from claim 44) and that the reasoning outlined under 35 U.S.C. §112, first paragraph, rejection does not appear to apply to these claims. As such, claims 44 and 45 are believed to be allowable.

Applicants believe that the presently amended claims are in condition for allowance, and respectfully request that they be allowed. The Examiner is encouraged to call the undersigned should any further action be required for allowance.

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This response is filed within two months of the mailing date of the Final Office Action. No fee is believed to be due. However, should any fees be required for any reason relating to this document, the Commissioner is authorized to deduct said fees from Howrey LLP Deposit Account No. 08-3038/11792.0218.DVUS01.

Respectfully submitted,



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